

### **Remarks**

Claims 24 to 39 are pending in the application.

Claims 24 to 39 have been rejected.

Claims 24, 25, 29, 30, 34, 36, 38 and 39 have been amended, as set forth herein.

Claims 32, 33 and 37 have been canceled, without prejudice.

### **Rejections under 35 U.S.C. §§ 102 and 103**

Applicant reiterates and incorporates by reference its prior responses and statements that the Declaration (including exhibits) of Mina M. Azad filed on December 1, 2006 (the Declaration) under 37 CFR § 1.131 established a date of conception of at least July 4, 2001 and subsequent due diligence. Thus, the references cited by the Examiner are not applicable against the present invention, which renders the rejections improper.

However, in order to further prosecution Claims 24, 25, 29, 30, 34, 36, 38 and 39 have been amended. For example, Claim 24 has been amended to include the step of defining segments in a subpath of a path in a labeled switched path (LSP) based on the OAM capability of intermediate nodes in the LSP. Independent Claims 34, 36 and 39 have also been amended correspondingly. Applicant respectfully submits that the cited references, either alone or in combination, fail to disclose, teach, or suggest defining segments in a subpath of a path in an LSP based on the OAM capability of intermediate nodes in the LSP. Therefore, the cited references fail to anticipate or render obvious the claimed invention. Accordingly, the Applicant respectfully requests withdrawal of the § 102(e) rejection of Claims 24 to 29, 31, 34 and 39 and the § 103(a) rejection of Claims 30, 35, 36 and 38.

### **Conclusion**

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

**AZAD, Mina**

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